

X

X

:

X

$$\vdots$$

•

•

•

•

•

•

----- X

KENNETH S. WEINBERG, being of full age, affirms under penalty of perjury as follows:

1. This affirmation incorporates and supplements my July 30, 2007 report and my August 21, 2007 affirmation in this matter, which are attached as Exhibits A and B, respectively.
2. I am the President and Principal Consultant of Safdoc Systems, LLC, located in Stoughton Massachusetts. I have worked as an independent consultant specializing in environmental health, safety and toxicology since 2000.
3. I earned a Bachelor of Arts in Biology from Boston University in 1969. I earned a Master of Science in Environmental Health and Radiation Health Physics from the University of Pittsburgh Graduate School of Public Health in 1970. I earned a Doctor of Philosophy in Biochemistry and Pathology from Boston University, Graduate School of Medical and Dental Sciences in 1979. As part of my coursework for the above degrees, I took laboratory courses in chemistry, biochemistry, microbiology, physiology and histology.

4. I started working in laboratories in 1966 as an Assistant at the Boston University Chemistry Laboratories. From 1967 to 1969, I worked as the Night Technician in the clinical microbiology laboratory at Children's Hospital and as Laboratory Technician in the clinical pathology lab at Brigham Hospital. From 1971 to 1973, I worked as Research Technician in atherosclerosis research at one of the pathology labs at Boston University School of Medicine. From 1973 to 1978, I worked as Research Assistant in pulmonary pathology at the Mallory Institute of Pathology, Boston University School of Medicine. While working as a technician in these laboratories, I learned and practiced (amongst other things) the procedures and techniques commonly used for biochemical analysis of tissues.

5. From 1974 to 1978, I conducted my own research at Boston University, Graduate School of Medical and Dental Sciences in furtherance of my Doctor of Philosophy. From 1978 to 1981, I was a National Institute of Health Postdoctoral Fellow at New England Medical Center. From 1981 to 1982, I was the Parker B. Francis Foundation Fellow in Pulmonary Medicine at New England Medical Center. From 1982 to 1983, I was an Assistant Professor of Medicine at Tufts University School of Medicine and a Member of the Special and Scientific Research Staff at New England Medical Center Hospital. From 1984 to 1986, I was a Research Associate in Medicine and Pathology at the Dana Farber Cancer Institute and Harvard Medical School. In conducting the foregoing research, I learned and practiced (amongst other things) the standard procedures for analyzing blood and serum and continued to develop my understanding and proficiency of general biochemical techniques and the applications thereof.

6. My education, background, training, and experience are further detailed in my *Curriculum Vitae*, attached as Exhibit C, which includes a listing of my publications.

7. I have reviewed the deposition testimony and *curriculum vitae* of Dr. Christian

Holinka. I also have reviewed Dr. Holinka's publications, particularly with respect to the types of research and experiments performed by him.

8. According to Dr. Holinka's testimony and his *curriculum vitae*, he received a Bachelor of Arts in French Literature and Physiology from the University of California, Berkeley in 1962, a Master of Science in Physiology from UC Berkeley in 1966, and a Doctor of Philosophy in Biology Sciences from State University of New York at Stony Brook in 1974. Dr. Holinka's course of study with respect to the biological sciences is substantially similar to my own. As mentioned above, I have taken and am familiar with laboratory courses in chemistry and physiology.

9. Based on his deposition testimony, Dr. Holinka believes he was exposed to asbestos-containing Bunsen burner pads and heat-resistant mittens while taking approximately six undergraduate courses in Chemistry and Physiology at UC Berkeley, one chemistry course while studying for his Master of Science at Hunter College, and additional laboratory courses while studying for his Doctor of Philosophy at SUNY Stony Brook. I am knowledgeable and experienced in these areas of study and this type of laboratory coursework, having personally taken courses in Chemistry and Physiology.

10. Based on his deposition testimony, Dr. Holinka worked as a technician in a clinical laboratory at Booth Memorial Hospital for three and a half months in late 1959, analyzing human materials, including serum and urine. Based on my work at Children's Hospital, New England Medical Center and the Dana Farber Cancer Institute, I am knowledgeable and experienced in the analysis of serum and urine. The analyses of these materials rarely involves the use of heat; when it does, a Bunsen burner would not be the appropriate mechanism.

11. Based on his deposition testimony, Dr. Holinka worked at a UC Berkeley research lab analyzing soil samples from 1960 to 1962 and again in 1964. I am knowledgeable and experienced in this type of research, having personally engaged in the same type of work. Specifically, when I was the Manager of Toxikon Environmental Laboratory, one of the laboratory sections was dedicated solely to the analysis of soil samples. The analysis of soil samples, to the extent it requires heat, involves the use of heating mantles and not Bunsen burners.

12. I have reviewed 48 scientific articles authored by Dr. Holinka. Approximately 38 of those articles document and discuss research conducted by Dr. Holinka while he studied or worked at UC Berkeley, SUNY Stony Brook, University of Southern California and Mount Sinai School of Medicine. The research described by each of these articles is consistent with Dr. Holinka's deposition testimony regarding the types of research he conducted at each of those institutions.

13. It is and has been the custom and practice in the scientific community to provide a detailed description of the materials and methods used when publishing research results. This disclosure is intended to provide the scientific community with sufficient information to permit other researchers to replicate the results. Failure to provide a complete and accurate description of the materials and methods is grounds for criticism and/or exclusion of the research results from peer-reviewed journals.

14. Based on my education, research and other laboratory experiences, Dr. Holinka's deposition testimony and a review of his publications, I am familiar with and knowledgeable about the methods that Dr. Holinka used in his research.

15. Of the approximately 38 articles that describe the research that Dr. Holinka

performed at UC Berkeley, SUNY Stony Brook, University of Southern California and Mount Sinai School of Medicine, I found only two articles that described research that likely involved the use of Bunsen burners. Based on my review, only 25% (approximately) of the remaining articles describe research that required the use of heat because it involved incubation (e.g., 30°C to 60°C). The standard practice when using heat for incubation is to use warming baths because it is difficult to obtain predictable and accurate temperatures for long periods of time with Bunsen burners. Some of Dr. Holinka's research involved evaporation, which is typically is done mechanically with dry ice. A significant number of Dr. Holinka's articles describe research that required the use of refrigeration, as opposed to heat.

16. I was certified as an Asbestos Project Manager and Monitor in 1988 and was re-certified several times after passing the required written examinations. I allowed this certification to lapse in or around 1992, when my employment no longer required that certification. However, I continued to take courses regarding asbestos to maintain and further expand my knowledge in this area. As an Asbestos Project Manager and Monitor, and through my follow-up coursework, I was trained to recognize possible asbestos contamination and was aware of the known sources of asbestos. Neither asbestos-containing Bunsen burner pads nor asbestos-containing heat-resistant mittens were identified or considered as potentially hazardous.

17. As the Industrial Hygienist at the V.A. Medical Center, I performed asbestos monitoring. As the Director of Safety at Massachusetts General Hospital, I oversaw asbestos monitoring by outside firms. At both institutions, the primary reason for conducting asbestos monitoring was to address employee concerns about possible exposure to asbestos. At no time was it suspected that using Bunsen burner pads and heat-resistant mittens could result in asbestos exposure. In my experience conducting and overseeing asbestos monitoring, on several

occasions I tested the air in laboratories for the presence of asbestos, and in no instance was any asbestos detected.

18. As the Director of Safety at Massachusetts General Hospital, my responsibilities included the environmental health and safety of the personnel in approximately 40 clinical and 500 research laboratories. I trained new personnel regarding laboratory safety on a weekly basis. I also visited laboratories one or two days per week to observe the laboratory practices and techniques and make related recommendations. The training and follow-up discussions I provided involved the proper use of laboratory equipment, including Bunsen burners. It is and has been the custom and practice in the scientific community to minimize the use of open flames and thereby reduce the associated fire hazard. It also is and has been the custom and practice in the scientific community to heat materials near or under fume hoods so as to avoid exposure to the chemical byproducts (e.g., gasses and fumes) released during the heating process.

19. As the Director of Safety at Massachusetts General Hospital, I wrote the manual that detailed how asbestos should be handled at the facility. I also prepared a map identifying the location of all known asbestos-containing materials. Asbestos-containing Bunsen burner pads and heat-resistant mittens were not identified in either the manual or map because neither product was identified as, or considered to be, potential asbestos exposure risks.

20. I first started working with asbestos-containing Bunsen burner pads at Boston University Chemistry Laboratories. I was responsible for, among other things, distributing Bunsen burner pads to the new students. There was never a need to distribute replacement pads due to deterioration. At each of the laboratories where I worked, studied and conducted research from 1966 to 1988, I periodically used asbestos-containing Bunsen burner pads. I last saw asbestos-containing Bunsen burner pads being used in 2000 when I stopped working at

Massachusetts General Hospital. At each laboratory where I worked, studied or conducted research, I used the same pad throughout my tenure. I cannot recall any of the pads I worked with, or any of the other pads in those laboratories, needing to be replaced because it had disintegrated.

21. Sometime in 1980s, the laboratories where I worked started purchasing ceramic Bunsen burner pads because asbestos-containing pads were no longer available. Ceramic Bunsen burner pads look virtually identical to the asbestos-containing Bunsen burner pads; one had to look closely to tell the difference.

22. Asbestos-containing Bunsen burner pads were durable. Ceramic pads can become brittle and can crack. In all of my experience in laboratories, I have never seen an asbestos-containing Bunsen burner pad crack, crumble or fall apart or release dust. If a Bunsen burner pad deteriorated in that manner, it was ceramic.

23. I occasionally worked with asbestos-containing heat-resistant mittens in 1968. I started working regularly with asbestos-containing heat-resistant mittens in 1973. At each of the laboratories where I worked, studied and conducted research from 1973 to 1988, I regularly used asbestos-containing heat-resistant mittens to remove glassware from autoclaves and drying ovens. I last saw asbestos-containing heat-resistant mittens being used when I stopped working at Massachusetts General Hospital in 2000.

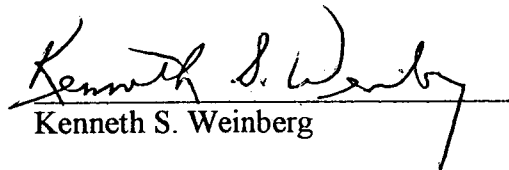
24. Sometime in the 1980s, the laboratories where I worked, studied or conducted research started purchasing non-asbestos-containing heat-resistant mittens because asbestos-containing heat-resistant mittens were no longer available. The non-asbestos heat-resistant mittens look virtually identical to the asbestos-containing heat-resistant mittens; one had to look closely to tell the difference.

25. Heat-resistant mittens are durable. In all of my experience in laboratories over the last 34 years, I have never seen heat-resistant mitten of any type fall apart or release dust.

26. I hold the foregoing opinions to a reasonable degree of certainty. These opinions are based on my education, 34 years of working in and managing laboratories, 19 years assisting in and conducting my own research, decades of working with asbestos-containing and non-asbestos-containing Bunsen burner pads and heat-resistant mittens, training as an industrial hygienist and an Asbestos Project Manager and Monitor, experience and training regarding laboratory safety, and Dr. Holinka's deposition testimony, *curriculum vitae* and publications.

27. I reserve the right to further amend and/or supplement my opinions to the extent new or additional information is provided prior to and/or at the time of trial.

28. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Kenneth S. Weinberg

Dated: August 30, 2007

Exhibit A

Safdoc Systems, LLC.

Kenneth S. Weinberg, Ph.D.
20 Thompson Court
Stoughton, MA 02072
Phone/Fax: (781) 341-3893

e-mail: SafdocSys@aol.com

web: www.SAFDOCSYSTEMS.com

July 30, 2007

Kristy Kulina Lyons
Hoagland, Longo, Moran, Dunst & Doukas, LLP
40 Paterson Street, P.O. Box 480
New Brunswick, NJ 08903

Carol Tempesta, Esq.
Marks, O'Neill, O'Brien & Courtney, PC
530 Saw Mill River Road
Elmsford, NY 10523

Gregory A. Dadika, Esq.
Reed Smith, LLP
Princeton Forrestal Village
136 Main Street, Suite 250
Princeton, NJ 08540-7839

Timothy Fraser, Esq.
Drinker Biddle & Reath LLP
500 Campus Drive
Florham Park, NJ 07932-1047

Re: Holinka v. A.W. Chesterton et al.

Dear Counselors:

Thank you for allowing me to review the above referenced matter. Below is a statement of my qualifications, as well as my opinions regarding this matter, and the bases for these opinions.

Summary of Qualifications

I am Kenneth S. Weinberg, Ph.D., the President and Principal Consultant of Safdoc Systems, LLC, located in Stoughton, MA. I earned a Master of Science in Environmental Health and Radiation Health Physics from the University of Pittsburgh Graduate School of Public Health in 1970. I also earned a Ph.D. in Biochemistry and Pathology in 1979 from Boston University, Graduate School of Medical and Dental Sciences. I have worked

as an independent consultant specializing in environmental health, safety and toxicology since 2000. A copy of my CV and Publications are attached.

In addition to the aforementioned educational credentials, I worked in both clinical and research laboratories, spanning a course of over twenty years. I started my career as a research technician in a college chemistry laboratory, which was followed by a stint as the night technician in a clinical microbiology laboratory at Children's Hospital, in Boston, MA. This occurred while I was an undergraduate. At the same time, I also worked and volunteered as a technician in the clinical pathology laboratory at what is now Brigham and Women's Hospital in Boston. Following this, I performed laboratory research in radiation and environmental health physics at the University of Pittsburgh Graduate School of Public Health. This was followed by work as a technician in a research pathology laboratory at Boston University School of Medicine. At the end of that period, I returned to Graduate School for my doctorate, and worked in a pathology laboratory both as a technician and graduate student at BU School of Medicine. Following the awarding of my doctorate, I held positions as a Postdoctoral Fellow, Assistant Professor of Medicine and Research Scientist at various institutions in the Boston area, including Tufts New England Medical Center, and the Dana Farber Cancer Institute. Each of these positions involved both laboratory research and increasing responsibility for leadership in the laboratory. Later on, I worked as the director of a commercial environmental laboratory that included a number of subgroups within the laboratory, including analytical and basic chemistry groups, which also involved the analysis of soil samples. Finally, I took on the roll of Industrial Hygienist at the Brockton/West Roxbury V.A. Medical Center, and then as Director of Safety at Massachusetts General Hospital. In these latter two positions, I played a daily role in the issues surrounding environmental health and safety in the clinical and research laboratories at each of these respective facilities. At Massachusetts General Hospital, in particular, I spent several hours each week observing work practices and procedures in both the clinical and research laboratories to better assist practitioners in achieving a safe working environment.

Statement of Opinions

I hold the following opinions to a reasonable degree of laboratory certainty:

1. Asbestos heating pads for Bunsen burners were durable and were not routinely or frequently disposed of and they did not, even after extensive use, display signs of aging through the appearance of white dust or powder.
2. Asbestos heat resistant mittens typically were durable, did not significantly degrade when used in typical laboratory circumstances, such as handling hot glassware, and, thus, were not routinely or frequently disposed of.
3. It was, and still is, the custom and practice in the laboratories to utilize clamps and tongs, not mittens, to handle hot glassware at the bench top.
4. It was, and still is, the custom and practice in laboratories to use either heating baths or heating mantles to heat materials in flasks or beakers. The latter were

particularly common in chemistry laboratories. Efforts were made to limit, to the extent possible, the wide use of Bunsen burners.

5. It was, and still is, the custom and practice in laboratories for researchers who become more senior to be less involved in the day to day conduct of experiments and to be more involved in planning, analysis and review of experimental data, as well as in the preparation of manuscripts for publication.
6. It was, and still is, the custom and practice for laboratory workers to maintain a clean work environment to protect themselves from exposure to potentially harmful materials and to protect their work from potential contamination.
7. Based on the methods sections included in Dr. Holinka's publications that were provided to me, including those produced prior to 1989, it does not appear that heating of chemicals or materials played a significant role in the research conducted.

Bases of Opinion

My statements and opinions are based on my personal experience working in various types of research and clinical laboratories, as well as undergraduate student laboratories. I also base my opinions on the observations I made as an industrial hygienist and director of safety at the VA Medical Centers in Brockton and West Roxbury, MA, and Massachusetts General Hospital, Respectively.

I also considered the following information when formulating my opinions:

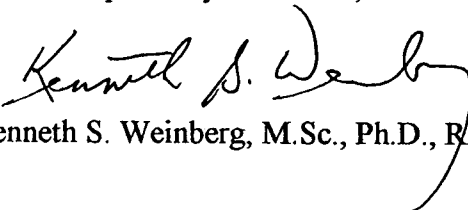
1. Asbestos is a durable material capable of withstanding high amounts of heat for long periods of time. Asbestos is the best heat retardant material known to man.
2. Asbestos heat resistant mittens were clumsy and not appropriate for the care that must be taken when handling equipment, such as test tubes, beakers, or crucibles.
3. Clamps and tongs were, and still are, typically used to handle test tubes, beakers or crucibles that have been heated
4. The primary use of asbestos heat resistant mittens in the laboratory was to remove hot objects from autoclaves, drying ovens, and kilns.
5. In the course of work in the chemistry lab or other labs where heating of substances are necessary, it was, and still is more common to see the use of heating mantles, that is long trays that can contain and hold the beakers or flasks that need to be heated. These heating mantles were typically placed inside of fume hoods to reduce emissions of gases and any potential harmful materials into the general air of the laboratory. Heating mantles were used because the practice of heating chemicals with open flames is potentially hazardous; the goal of the laboratory is to limit the use as well as location of open flames to the greatest extent possible.
6. Culture media was, and still is, generally heated in warming baths, not over Bunsen burner flames.
7. The heat from Bunsen burners is difficult to control, and as a result, this method for heating is not optimal and may result in the destruction of important chemicals. In addition, heating chemicals using Bunsen burners can be dangerous

[REDACTED]

as it may lead to rapid release of hazardous materials, and may put workers at risk of exposure to fire or explosions.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted;

A handwritten signature in black ink, appearing to read "Kenneth S. Weinberg". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kenneth S. Weinberg, M.Sc., Ph.D., RPIH

Exhibit B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
In Re: NEW YORK CITY ASBESTOS LITIGATION :
: Hon. Joan Madden
: (Part 11)
----- X

This Document Relates To: :
: Index No. 114120-06
:

CHRISTIAN HOLINKA,
:

Plaintiff
:

-against-
:

A.W. CHESTERTON COMPANY, et al.,
:

Defendants.
:
----- X

AFFIRMATION OF
KENNETH S. WEINBERG, Ph.D.

KENNETH S. WEINBERG, being of full age, affirms under penalty of perjury as follows:

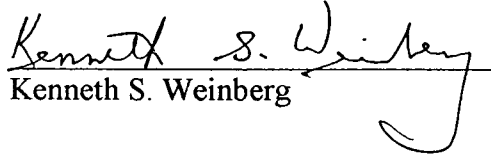
1. I am the President and Principal Consultant of Safdoc systems, LLC, located in Stoughton, MA. I earned a Master of Science in Environmental Health and Radiation Health Physics from the University of Pittsburgh Graduate School of Public Health in 1970. I also earned a Ph.D. in Biochemistry and Pathology in 1979 from Boston University, Graduate School of Medical and Dental Sciences. I have worked as an independent consultant specializing in environmental health, safety and toxicology since 2000. A copy of my curriculum vitae and publications are attached as Exhibit A.

2. I have worked in both clinical and research laboratories, spanning a course of twenty years. My work experiences are outlined in curriculum vitae and discussed in detail in my July 30, 2007 report, which is attached as Exhibit B.

3. I am familiar with Bunsen burner pads. The pads are wire mesh squares and typically have a circular, heat-resistant cores. I have worked with asbestos-containing and non-asbestos containing versions of Bunsen burner pads, and they often appear identical.

4. I am familiar with the heat-resistant mittens used in laboratories. The mittens are similar to oven mitts and typically are used to handle hot glassware. I have worked with asbestos and non-asbestos versions of heat-resistant mittens, and they often appear identical.

5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Kenneth S. Weinberg

Dated: August 21, 2007

Exhibit C

Curriculum Vitae

Part I. General Information

Name: Kenneth S. Weinberg, Ph.D.

Home Address: 20 Thompson Court
Stoughton, MA. 02072

Telephone: 781-341-4267

Office Telephone 781-341-3893

E-mail: SafdocSys@aol.com Fax: 781-341-3893

Place of Birth: Brookline, MA.

Education

1979 Ph.D. Boston University Graduate School of Arts and Sciences, Division of Medical and Dental Sciences (Biochemistry and Pathology)

1970 M.Sc. University of Pittsburgh Graduate School of Public Health, (Environmental Health and Radiation Health Physics)

1969 A.B. Boston University, Boston, MA. (Biology)

Postdoctoral Training

1984-1986 Research Associate in Medicine and Pathology, Dana-Farber Cancer Institute and Harvard Medical School, Boston, MA.

1982-1983 Assistant Professor of Medicine, Member Special and Scientific Research Staff, Tufts University School of Medicine and New England Medical Center Hospital, Boston, MA.

1981-1982 Parker B. Francis Foundation Fellow in Pulmonary Medicine, New England Medical Center Hospital, Boston, MA.

Postdoctoral Training(cont'd)

- 1978- 1981 National Institutes of Health Postdoctoral Fellow, New England Medical Center Hospital, Boston, MA.
- 1973-1978 Research Assistant, Pulmonary Pathology, Mallory Institute of Pathology/Boston University School of Medicine, Boston, MA.
- 1971-1973 Research technician, Atherosclerosis Research, Boston University School of Medicine, Boston, MA.
- 1970-1971 Licensed Nursing Home Administrator, Alliance Medical Inns, Inc. Stratford, CT.

Professional Experience

- 2000 - Independent Consultant , Safdoc Systems, LLC., Stoughton, MA
- 1990-2000 Director of Safety, Massachusetts General Hospital, Boston, MA.
- 1989-1990 Acting Director of Safety, Massachusetts General Hospital, Boston, MA.
- 1988-1989 Assistant Safety Officer, Massachusetts General Hospital, Boston, MA.
- 1987-1988 Industrial Hygienist, V.A. Medical Center, Brockton/West Roxbury, MA.
- 1987 Manager, Toxikon Environmental Laboratory, Woburn, MA.

Licensure/Certification

- June, 1997 Certified Healthcare Environmental Manager
- April, 1998 Registered Professional Industrial Hygienist
- Dec., 2000 National Registry of Safety Professionals
- May, 2002 Certified Toxics Use Reduction Planner

Awards/Honors

- June, 2001 Safety Professional of the Year, Health Care Division, American Society of Safety Engineers

Professional Societies

American Society of Safety Engineers, Professional Member
 American Society of Safety Engineers, Massachusetts Chapter
 Massachusetts Safety Council
 American Industrial Hygiene Association
 American Industrial Hygiene Association, New England Chapter
 American Conference of Governmental Industrial Hygienists
 American Chemical Society
 American Chemical Society Division of Health and Safety
 National Fire Protection Association
 Affiliated Harvard Hospitals Health and Safety Committee
 Toxics Use Reduction Planners Association
 American Biological Safety Association
 National Association of Safety Professionals

Editorial/Advisory Boards

2005	Editorial Advisory Board, Medical Environmental Weekly, HcPro
2005	Editorial Advisory , Safety Talks, Bongarde Publications
2002-	Advisory Board, National Toxic Mold Coalition
2001-2002	Science Advisory Panel, Massachusetts Department of Environmental Protection, "Review and Recommendations for DEP's Interim risk evaluation Guidance Document for Solid Waste Facility Site Assessment and Permitting."
2001-	Boston University Biology Department Alumni Advisory Council
2001-	Advisory Board, Briefings on Hospital Safety
2000- 2001	Editorial Board, J. Healthcare Safety Compliance and Infection Control
1996-1998	American Society of Safety Engineers, Administrator, Health Care Division
1996-	Bureau of National Affairs Editorial Advisory Board for Healthcare Facilities Guide
1996	Member, Toxic Use Reduction Task Force, Chair, Committee on Education and Training

Editorial/Advisory Boards (cont'd)

- 1995 American Society of Safety Engineers, Assistant Administrator
Health Care Division
- 1994-1995 Hospital Mercury Task Force, Source Identification Committee
- 1994-1997 Member, Boston Chamber of Commerce, Committee on Energy
And Environment
- 1994- Advisory Board, Massachusetts Safety Council, Health and Safety
Institute
- 1994 American Society of Safety Engineers, Secretary, Health Care
Division
- 1991- Member Board of Directors, Massachusetts Safety Council

Continuing Education

Internal Auditing of an Environmental Management System, March 2007,
Sponsored by UMass Lowell, Toxics Use Reduction institute

Auditing an Environmental Management System, March, 2006 Sponsored by
UMass Lowell Toxics Use Reduction Institute

Hazard Control Technologies in Healthcare: Collaborative strategies for the next
Millennium, August, 1999

Annual refresher in Hazardous Waste operations and emergency response

OSHA Training Program in Ergonomics, New Hampshire, March, 1998

NIOSH Respirator Training Course

Respirator Training and Refresher Course, July 1997

Ninth Annual Toxicology Symposium: Practical Application of Risk Assessment
for the Industrial Hygienist, American Industrial Hygiene Association, 1994

Seminar in Effective Communications for Health and Safety Professionals,
ASSE, New Orleans, LA, 1997

Continuing Education (cont'd)

Frontline Leadership: Techniques for the Modern Manager, Massachusetts General Hospital, 1993

Research Laboratory Safety Seminars, Howard Hughes Research Institute, Bethesda, MD. 1991

Professional Safety Management Seminar, Massachusetts Safety Council, 1992
Environmental Pollution: Strategies for Reduction and Control, Silver City, MD. 1992

Indoor Air Quality Update '89, Washington, DC.

EPA Asbestos Training Course for Supervisors and Monitors

Training Program in Hazard Communication, Veteran's Administration

Industrial Hygiene Course, Harvard University School of Public Health

Cytogenetics, Manhattan College of Mt. St. Vincent, 1984

Postdoctoral course in Pulmonary Pathology, University of Vermont, 1979

Part II. Research, Teaching and Clinical Contributions

- 2007 - Adjunct Professor, Department of Biology, Massasoit Community College, Brockton, MA
- 2002 Adjunct Faculty, Roger Williams University, Metropolitan College, Providence, RI. Course: "Hazardous Materials Safety Management"
- 2001 Revised "2001 TURA Reporting Package Chemical List", Department of Environmental Protection, May 2002" under contract With Toxics Use Reduction Institute, University of Massachusetts, Lowell
- 1992 Lecturer, Massachusetts Safety Council, Health and Safety Institute
- 1983-1985 Lecturer, General Pathology, Northeastern University, College of Pharmacy and Allied Health Professions
- 1981 Lecturer, General Pathology, Sergeant College, Boston University

Part III. Publications

1. Weinberg KS. A study of the uptake and accumulation of Plutonium-239 by the fathead minnow, *Pimphelas Promelas promelas* (M.Sc. Thesis). University of Pittsburgh Graduate School of Public Health, 1970.
2. Weinberg, K.S. Early cellular response in elastase-induce lung injury (Ph.D. Thesis). Boston University Graduate School of Arts and Sciences, 1979.
3. Marom, Z, Weinberg KS, Fanburg, B.L. Effect of bleomycin on collagenolytic activity of the rat alveolar macrophage. 1980. *Am Rev Respir Dis* 121:859-867.
4. Weinberg, K.S, Hayes ,J.A. Elastase-induced emphysema: Asynchronous bronchial, alveolar, and endothelial cell proliferation during the acute response to injury. 1982, *J Pathol* (London) 136:253-264.
5. Weinberg KS, Douglas WHJ, MacName DR, Lanzillo JJ, Fanburg BL. Angiotensin-1-converting enzyme localization on cultured fibroblasts by immunofluorescence. 1982. *In Vitro* 18(4):400-406.
6. Keogh EM, Callow AD, Connolly RJ, Weinberg KS, Aalberg JJ, O'Donnell TF Jr. Healing pattern of small caliber dacron grafts in the baboon: An animal model for the study of vascular prosthesis. January 1984. *J Biomed Materials Res*.
7. Weinberg, K.S. Chapter 19, " Safety in Comprehensive Perioperative Nursing, BJ Gruendemann, B Fernsebner, Eds, Jones and Bartlett, 1995
8. Weinberg ,K.S, Seth ,A.K. Relationship of Health and Safety Management and Utilities. In *Facilities Engineering and Management Handbook*: PR Smith, AK Seth, R Wessel, DL Stymiest, WL Porter and M Neitlich, Eds. McGraw-Hill, 2001
9. Weinberg, K.S. Is Your Facility's Emergency Management Plan Up To Date? American Society of Safety Engineers, Healthcare Practice Specialty, Spring, 2001
10. Weinberg, K.S. JCAHO Requirements for Pre-Construction Risk Assessment. "HealthBeat", American Society of Safety Engineers, Healthcare Specialty Practice Newsletter, Summer, 2002.


Books

1. Weinberg, K.S. "The Hospital Safety Director's Handbook" Opus Communications, Inc., June 2002.
2. Weinberg, K.S., Content Development Advisor, MacArthur, S.A., Contributing Editor: "Health Care Contractors' Handbook: An Introduction to Working Construction in a Medical Facility" HCPPro, Inc., Marblehead, MA 2003.
3. Davis, J.L. & Weinberg, K.S. Indoor Air Quality During Construction: A Guide to Best engineering Practices and Regulatory Compliance. Opus Communications, Inc. June, 2003.
4. Weinberg, K.S. "The hospital Safety Director's Handbook, Second Edition" HCPPro, Inc., November, 2003.
5. Weinberg, K.S. "Surviving OSHA: How to Avoid, Manage and Respond to Healthcare Inspections." HcPro, Inc., Marblehead, MA , November 2004

Abstracts/Presentations:

1. Weinberg ,K.S, Hayes ,J.A. Necrotizing pulmonary arterial lesions in elastase-induced emphysema. 1978. *Fed Proc* 37:715.
2. Deneke,S.M., Weinberg, K.S., Fanburg, B.L., Diethyldithiocarbamate (DDC) induction of lung glucose-6-phosphate dehydrogenase activity and protection from O₂ toxicity in rats. 1979. *Am Rev Respir Dis* 119:302.
3. Marom, Z, Weinberg ,K.S., Fanburg, B.L. Effects of bleomycin on collagenolytic activity of the rat pulmonary macrophage. 1979. *Am Rev Respir Dis* 119:334.
4. Weinberg ,K.S., Polsky-Cynkin, R, Douglas ,W. Dell'Orco, R, Fanburg, B.L. Angiotensin-1-converting enzyme localization on fibroblasts by immunofluorescence. 1980. *J Histochem Cytochem* 28:613.
5. Weinberg, K.S., Hayes ,J.A. Mural pulmonary arterial thrombosis induced by elastase. 1980. *Clin Res* 28:433A.
6. Weinberg, K.S., Deneke, S.M., Fanburg, B.L. Pathology of pulmonary oxygen toxicity in cysteine-deprived rats. 1980. *Fed Proc* 42:503 (No. 1239).

7. Kisby, L.E., Weinberg ,K.S. Localization of Factor VIII antigen on endothelial cells of bovine pulp and inferior alveolar artery using peroxidase antiperoxidase method. Table Clinic Presentation, American Academy of Pedodontics, Kansas City, May 28-31, 1983.
8. Deneke, S.M., Lynch ,B.A., Weinberg, K.S., Fanburg, B.L. Depletion of rat lung glutathione and increased oxygen toxicity by intraperitoneal diethylmaleate (DEM) injection. Presentation, AFCR Meeting, Eastern Section, Cambridge, July, 1984. *Clin Res*
9. Bernal, S.D., Stahel, R.A., Elias, A., Weinberg, K.S., Speak, J. Membrane and cytoskeletal composition of lung cancers. Lung Cancer Conference, Toronto, Canada, 1985.
10. Weinberg ,K.S. Pollution Prevention in the Laboratory: Waste minimization in hospital research laboratories. Boston, 1993.
11. Weinberg, K.S, Speelman, J, Szobcak ,S. TB Respirator Program: Application in a large urban hospital. American Society of Safety Engineers, Baltimore, June, 1999.
12. Capaccio, R, Kelly, M. Weinberg, K.S. Mercury reduction through process control. American Society of Healthcare Engineers, Philadelphia, PA. , July, 1999.
13. Weinberg, K.S., Loomis, S., Seth A.K. Indoor Air Quality: A Team Approach to Prevention and Resolution. Healthcare Conference 99 Sponsored by ACGIH Colorado Springs, August, 1999.
14. Weinberg ,K.S. Editorial: J Healthcare Safety Compliance and Infection Control. February, 2000.
15. Szobcak S, Speelman J, Weinberg K.S. Hazardous material contamination emergencies. American Society of Safety Engineers, Orlando, June, 2000.
16. Weinberg, K.S. Healthcare Safety 2001: Are Hospitals a Safe Place to Work? Keynote Address, Baystate Medical Center Safety Retreat, Springfield, MA, April 19, 2001.
17. Sobczak, S.C., Speelman, J. Weinberg, K.S.: FEMA Emergency Management Planning and Vulnerability Analysis Process. ASSE Professional Development conference, pre-conference Special Seminar, June 9, 2001, Anaheim, CA

-
- 
18. Weinberg, K.S., Yang, C., Hansen, W. Risk Analysis Before Construction. Telephone Teaching Conference, sponsored by HcPro, March 13, 2002
 19. Weinberg, K.S. A Primer on Anthrax. 81st Massachusetts Safety & Health Conference & Exhibition, Sturbridge, MA, March, 26, 2002
 20. Weinberg, K.S. Revision of "2001 TURA Reporting Package Chemical List, Department of Environmental Protection, May 2002. Under contract Toxics Use Reduction Institute, University of Massachusetts, Lowell
 21. Weinberg, K.S. Prevention of Mold in Healthcare Construction. Invited presentation at the Northeast Regional Professional Development Conference of the American Society of Safety engineers, December 3 & 4, 2002, Crowne Plaza Hotel, Warwick, RI

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

NYCAL
I.A.S. Part 39

Index No. 114120-06

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

CHRISTIAN F. HOLINKA,

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.

AFFIRMATION OF KENNETH S. WEINBERG, Ph.D.

DRINKER BIDDLE & REATH LLP
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140

Attorneys for Defendant, BAXTER HEALTHCARE, INC.